

David B. Picker [DP-9658]
Suzanne Ilene Schiller [*pro hac vice* admission pending]
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Local Counsel for Defendant

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JEFFERSON CITY COMMONS, LLC,	:	
	:	
Plaintiff,	:	Docket No. 08 Civ. 4866 (LAK)
	:	ECF Case
v.	:	
	:	
MORAN FOODS, INC. d/b/a	:	
SAVE-A-LOT, LTD.,	:	NOTICE OF MOTION
	:	<u>TO DISMISS</u>
Defendant.	:	

PLEASE TAKE NOTICE that, upon the attached Declaration of David B. Picker dated June 6, 2008, and its Exhibit, and the accompanying Memorandum of Law, Defendant Moran Foods, Inc. d/b/a Save-A-Lot, Ltd. ("Sav-A-Lot") will move this Court at the United States Courthouse, 500 Pearl Street, New York, New York, on a date to be determined by the Court, for an Order, pursuant to F.R.Civ.P. 12(b)(6), dismissing the Complaint for failure to state a claim upon which relief can be granted.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, are to be served so as to be received by the undersigned in accordance with the requirements of Local Civil Rule 6.1(b).

Date: June 6, 2008
Philadelphia, PA

Respectfully submitted,

SPECTOR GADON & ROSEN, PC

By: 

David B. Picker [DP-9658]

Suzanne Ilene Schiller [*pro hac vice* pending]

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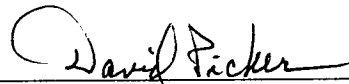
CERTIFICATE OF SERVICE

I, David B. Picker, a member of the Bar of this Court, hereby certify that I caused a true and correct copy of the foregoing Notice of Motion to Dismiss Intervene, supporting Affirmation, and Memorandum of Law in Support of Motion to Dismiss to be served by first class U.S. mail, postage prepaid, this 6th day of **June**, 2008, upon the following:

David Jaroslavicz, Esquire
Jaroslawicz & Jaros, LLC
225 Broadway – 24th Floor
New York, NY 10007

Notice was also provided by electronic filing on the Court's ECF electronic filing system.

Date: June 6, 2008
Philadelphia, PA



David B. Picker